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11 Attorneys for Third-Party Defendants/Counter  
12 Claimants  
13 BASKIN-ROBBINS USA, CO.; TOGO'S  
14 EATERIES, INC.

15  
16 UNITED STATES DISTRICT COURT  
17 EASTERN DISTRICT OF CALIFORNIA  
18

19 QUESTECH FINANCIAL CALIFORNIA,  
20 LLC.,

21 Plaintiff,

22 v.  
23 JYM CORPORATION

24 vs.

25 BASKIN-ROBBINS USA, CO.; TOGO'S  
26 EATERIES, INC.

27 Third-Party Defendants.,  
28 Defendant.

29 BASKIN-ROBBINS USA, CO.; TOGO'S  
30 EATERIES, INC.,

31 Third-Party Defendant,

32 v.  
33 QUESTECH FINANCIAL CALIFORNIA,  
34 LLC, Does 1-50, inclusive,

35 Counter-Defendants.

36 Case No. CIV.S-04-2553 FCD GGH

37 **STIPULATION TO VACATE HEARING  
38 ON SUMMARY JUDGMENT MOTION**

39 Date: February 10, 2006  
40 Time: 10:00 a.m.  
41 Judge: Frank C. Damrell, Jr.

## **STIPULATION**

WHEREAS, Cross-Defendant/Cross-Claimant Baskin Robbins Co., Inc. and Togo's Eateries, Inc. ("Baskin/Togo's") have filed a Motion for Summary Judgment against QuesTech Financial California, LLC, which is currently on calendar for February 10, 2006; and

WHEREAS, the parties have agreed to settle the action;

THEREFORE, IT IS STIPULATED AND AGREED by and between the parties, that the hearing on calendar for February 10, 2006 for the summary judgment motion filed by Cross-Defendant and Cross-Claimant Baskin/Togo's be vacated.

DATED: January 30, 2006

/S/  
STEPHEN LERNER  
Attorney for Plaintiff

DATED: January 30, 2006

/S/  
DANIEL L. EGAN  
Attorney for Defendants

## ORDER

IT IS HEREBY ORDERED that the hearing on calendar for February 10, 2006 for the summary judgment motion filed by Cross-Defendant/Cross-Claimant Baskin/Togo's against QuesTech Financial California, LLC be vacated, as stipulated herein.

DATED: February 1, 2006

/s/ Frank C. Damrell Jr.  
HONORABLE FRANK C. DAMRELL, JR.